

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/824,493
Filed : April 02, 2001

TC/A.U. : 2157
Examiner : Lashonda T. Jacobs

Docket No. : 47181-00244USPT
Customer No. : 30223

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 C.F.R. § 1.132 DECLARATION

Dear Sir:

I, Michael W. Pyle, hereby declare:

1. I have been employed by Square D Company for 18 years and am currently Engineering Director in Square D's facility in LaVergne, Tennessee.

2. I am familiar with the subject matter of pending U.S. Patent Application No. 09/824,493 ("the '493 application"), entitled "Ethernet Communications For Power Monitoring System." The '493 application is assigned to the Square D Company, and the description and claims of the '493 application relate to a Square D product known as the Ethernet Communications Card, or "ECC." The ECC is inserted directly into an expansion slot in a power monitor.

3. For several years prior to Square D's introduction of the ECC, Square D sold an Ethernet gateway product known as the EGW, which was a standalone product used to connect power monitors to Ethernet networks. The ECC has not only displaced the EGW from the marketplace in applications involving connectivity of high end meters to Ethernet (the EGW is no longer offered by Square D), but has also achieved sales far in excess of the maximum sales

ever achieved by the EGW. For example, the number of ECC's sold in the latest 12 months were approximately six times the maximum annual sales ever achieved by the EGW. The ECC has also been a major component of Square D's *Transparent Ready*® Power Distribution Equipment program.

4. I have reviewed the amended claims being submitted to the United States Patent and Trademark Office concurrently with this Declaration (in response to the Office Action dated March 27, 2008), and the ECC product that has been sold by Square D, and that is currently being sold by Square D, corresponds to those amended claims. The commercial success of the ECC is attributable to the features of the ECC recited in those amended claims.

5. I hereby declare that all statements made herein of our my knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '493 application or any patent issued thereon.

Dated: June 26, 2008



Michael W. Pyle